

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

BOILERMAKERS NATIONAL ANNUITY
TRUST FUND, on behalf of itself and all
others similarly situated,

Plaintiff,

v.

WAMU MORTGAGE PASS THROUGH
CERTIFICATES, SERIES 2006-AR1, et al.,

Defendants.

NO. 2:09-cv-00037MJP

**ORDER RESERVING RULING ON
PARTIES' SECOND STIPULATED
MOTION TO MODIFY BRIEFING
SCHEDULE ON DEFENDANTS'
PENDING MOTIONS TO DISMISS
AND SCHEDULING A TELEPHONIC
CONFERENCE**

NEW ORLEANS EMPLOYEES'
RETIREMENT SYSTEM, et al., individually
and on behalf of all others similarly situated,

Plaintiffs,

v.

FEDERAL DEPOSIT INSURANCE
CORPORATION, et al.,

Defendants.

No. 2:09-cv-00134 MJP

This matter comes before the Court on the parties' revised stipulated motion to modify
the briefing schedule on Defendants' motions to dismiss and to withdraw Plaintiffs' motion for

1 leave to amend the consolidated complaint. (Dkt. No. 156.) Having reviewed the parties'
2 submission, the Court finds and orders as follows:

- 3 1. The Court shall hold a telephonic conference with counsel in this matter at 10:40
4 on Thursday, March 18, 2010. The telephonic conference shall immediately follow
5 oral argument on the motions to appoint in the Doral action. The Court requests
6 that counsel be prepared to discuss the issue of consolidation at that time.
- 7 2. Both the original and revised stipulation provide that if the Court declines to adopt
8 the parties' stipulation, the pending motions will be re-noted. (Dkt. No. 153 at 2;
9 Dkt. No. 156 at 3.) While these paragraphs may simply suggest alternative relief,
10 the Court notes that the Order denying the initial stipulation did not change any
11 deadlines on any pending motion. (Dkt. No. 154.) Because the parties have
12 operated under the assumption the motions would be granted, Plaintiffs have
13 missed their deadline to respond to Defendants' motions to dismiss and Defendants
14 have missed their deadline to respond to Plaintiffs' motion to amend. (Dkt. Nos.
15 138, 144, 146, 152.) This is particularly puzzling because the stipulation was filed
16 after both parties' respective responses were due.
- 17 3. The Court RESERVES RULING on the stipulated motion extending the briefing
18 schedule (Dkt. No. 156) until after the telephonic conference on March 18, 2010.
19 The Court will set an appropriate briefing schedule at that time. Accordingly,
20 neither Plaintiffs nor Defendants need to file any material in support or in
21 opposition to any pending motion before the March 18, 2010 conference.

22 The Clerk shall transmit a copy of this Order to all counsel of record.

23
24 Dated this 12th day of March, 2010.

25
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27 Marsha J. Pechman
United States District Judge